

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re

**JAMES T. MOORE and
HEATHER A. MOORE (DECEASED),**

Debtors.

**JAMES T. MOORE and
HEATHER A. MOORE (DECEASED),**

Movants,

v.

**LAW OFFICES OF ROBERT J. FENSTERSHEIB
& ASSOCIATES, P.A.,**

Respondent.

Bankruptcy No. 13-24716 JAD

Chapter 12

Hon. Jeffery A. Deller

Re. Doc. Nos. 118

Hearing Date and Time:
April 4, 2018 at 10:00 am

AFFIDAVIT OF SHERYL E. BERKOWITZ, ESQUIRE

I, Sheryl E. Berkowitz, Esquire, being duly sworn according to law, depose and say as follows in support of the Application to Employ Law Offices of Robert J. Fenstersheib & Associates, P.A. as Special Counsel for the Debtor, *Nunc Pro Tunc* [Doc. No. 118].

1. I am an attorney licensed to practice law in the State of Florida. I am in good standing in all jurisdictions and before all courts to which I have been admitted, including the United States Supreme Court.

2. I have practiced law since 1986. I began my career as a litigation associate in large national law firms, including McDermott; Will & Emery and Morgan, Lewis & Bockius.

3. For more than twenty years, I have concentrated my practice in representing individuals and families in various pharmaceutical mass tort and class action claims, with

an emphasis on woman's health litigation, including breast implant litigation, transvaginal mesh litigation, and ovarian cancer litigation associated with the use of products containing talcum powder.

4. In addition to my client responsibilities in private practice, I have dedicated significant time to public interest and professional activities. For five years I served as the Associate Director for Legal Services of Greater Miami, providing free civil legal services to the indigent community in Miami-Dade County. I have taken several work sabbaticals overseas providing free legal services in Israel and in South America to the needy, and alternative dispute resolution for the courts. I have previously served as a certified civil mediator in the State of Florida and as an appointed Special Master for the City of Miami Beach. I serve on several professional boards, including the National Trial Lawyers Association, Woman's Rights Division Steering Committee and as an Ambassador for the Jewish Women's Renaissance Project.

5. On April 25, 2013, our firm filed a lawsuit on behalf of Heather and James Moore in the United States District Court for the Southern District of West Virginia at Case No. 2:13-cv-09034. The same day, the lawsuit was consolidated into an existing Multi-District Litigation ("MDL") case assigned to Honorable Judge Joseph R. Goodwin of the United States District Court for the Southern District of West Virginia at MDL Case No. 2:12-md-02326.

6. I have been the attorney with primary responsibility for representing the Moores in the Multi-District Litigation.

7. Apart from our representation as counsel in the existing Multi-District Litigation, neither I nor the Law Offices of Robert J. Fenstersheib & Associates, P.A. have any relationship with the Debtors herein.

8. Neither I nor the Law Offices of Robert J. Fenstersheib & Associates, P.A. hold any interest adverse to the estate.

9. Neither I nor the Law Offices of Robert J. Fenstersheib & Associates, P.A. have any claims against the estate.

10. To the best of my knowledge, neither I nor the Law Offices of Robert J. Fenstersheib & Associates, P.A. have any connection with any creditors or any other party in interest in this case, their respective attorneys, accountants, the United States Trustee, or any person employed in the Office of the United States Trustee.

11. Based upon the foregoing, I am a "disinterested person," and the Law Offices of Robert J. Fenstersheib & Associates, P.A. is a "disinterested person," within the meaning of 11 U.S.C. §§ 101(14) and 327. I will supplement this affidavit if I become aware of additional facts or circumstances requiring additional disclosure.

12. The confidential fee agreement signed by Heather and James Moore with the Law Offices of Robert J. Fenstersheib & Associates, P.A. provides for contingent attorneys' fees of 40% plus expenses. However, the firm agrees to reduce its fee request to one-third, from which it will also deduct the required MDL Assessment (5%) and the fees payable to our co-counsel, MotleyRice, LLC (5%).

13. Except as disclosed herein, there is no agreement to share this contingent-fee compensation with any other party.

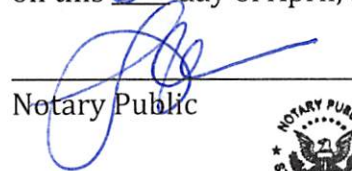
14. Under penalty of perjury, I hereby declare the foregoing Affidavit to be true and correct.

Date: April 3, 2018



Sheryl E. Berkowitz, Esquire

Sworn to and subscribed before me on this 3rd day of April, 2018.



Notary Public

STEPHANIE CYPKIN
Commission # GG 162808
Expires January 22, 2022
Bonded Thru Budget Notary Services